REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 11 and 16 have been amended. Claims 25-27 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-24 are presented for examination.

35 U.S.C. § 132(a) Objection

The Amendment filed 12/07/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure.

Claims 1, 11 and 16 have been amended. Applicants respectfully request the withdrawal of the objection of claims 1, 11 and 16 and their dependent claims.

35 U.S.C. § 112 Objection

The Specification is objected to under 35 U.S.C. 112, first paragraph, for at least the same rationale as discussed above.

Claims 1, 11 and 16 have been amended. Applicants respectfully request the withdrawal of the objection of claims 1, 11 and 16 and their dependent claims.

35 U.S.C. § 112 Rejection

Claims 1-24 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 11 and 16 have been amended. Applicants respectfully request the withdrawal of the rejection of claims 1, 11 and 16 and their dependent claims.

35 U.S.C. § 101 Rejection

Claims 11-15 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 has been amended. Applicants respectfully request the withdrawal of the objection of claim 11 and its dependent claims.

35 U.S.C. § 102 Rejection

Claims 1-3, 8, 16-18 and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg").

Claim 1, as amended, recites:

> A method of controlling transfer of health information along a network
> pathway, the method comprising:
> receiving, by an access server on the network pathway, a request for the
> health information from across an internal network, the request
> being generated from a portable healthcare device on the network
> pathway;
> immediately determining, by the access server, if a corresponding consent
> is stored in the access server and whether the consent satisfies
> requirements for release of the health information, wherein the
> consent is for a requestor of the health information to access the
> health information and the consent is provided by an owner of the
> health information, wherein the consent is based on results
> provided by a filtering component, the filtering component to filter
> the health information based on the request such that an
> unnecessary portion of the health information is filtered out,
> wherein <u>the request includes an intended use of the health
> information, wherein the intended use is to determine one or more
> of appropriateness of the consent, and requirements for the
> consent, wherein a purpose field is provided to specify intended
> reasons for which the health information is accessed in according
> to the consent</u>; and
> if the corresponding consent is stored, permitting, by the access server, the
> health information to be immediately acquired by sending the
> request across an external network to a remote site, receiving the
> health information from the remote site, and forwarding the health
> information back across the internal network.
> (emphasis added)

Schoenberg discloses a "method of and system *for distributing medical information for an individual over a communications network is disclosed.* The method includes the steps of generating a plurality of security access codes, generating a plurality of hierarchical categories, ranging from a low security category to a high security category, categorizing the individual's medical information into privacy levels ranging from a least private level to a most private level, inputting the individual's categorized medical information into the plurality of hierarchical categories, the least private level being input into the low security category and the most private level being input into the high security category and assigning, to each of the categories, one or more of the access security codes, such that the medical information in each category will be released only if the assigned access security codes are received." (Abstract; emphasis added).

Referring now to the section relied upon by the Examiner (for a particular feature of claim 1), Schoenberg further discloses "if the patient suffers a broken bone, *while information regarding the patient's blood type and allergies might be necessary for the proper treatment of the injury, the patient's cardiological or serological data is not. None of the above methods can prevent unnecessary medical data from being divulged to the medical care provider, thus potentially risking the patient's privacy.*" (col. 2, lines 7-10; emphasis added). This is not the same as "the request includes an intended use of the health information, wherein the intended use is to determine one or more of appropriateness of the consent, and requirements for the consent, wherein a purpose field is provided to specify intended reasons for which the health information is accessed in according to the consent" as recited by claim 1 (emphasis added). Schoenberg does not teach or reasonably suggest at least these features of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 11 and 16 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 11 and 16 and their dependent claims.

35 U.S.C. § 103 Rejection

Claims 4-5 and 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of Edelson, U.S. Patent No. 5,737,539 ("Edelson").

Claims 4-5 and 19-20 depend from one of claims 1 and 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4-5 and 19-20.

Claims 6 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of Snowden, U.S. Patent Application No. 2002/0026332 ("Snowden") and Edelson, U.S. Patent No. 5,737,539 ("Edelson").

Claims 6 and 21 depend from one of claims 1 and 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 6 and 21.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of Applicant Admitted Prior Art ("AAPA").

Claim 7 depends from claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 7.

Claims 9-13 and 23-24 are rejected under 35 U.S.C. §102(e) as anticipated by

Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of the Official Notice.

As an initial matter, Applicants respectfully disagree with the Examiner's Official Notice and request the Examiner provide additional evidence and details to justify the Official Notice.

Claims 9-10, 12-13 and 23-24 depend from one of claims 1, 11 and 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9-10, 12-13 and 23-24.

Regarding claim 11, Applicants request the Examiner explain the rejection of each and every element of claim 11. Furthermore, claim 1 contains limitations similar to those of claim 1 and 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 11.

Claims 14-15 are rejected under 35 U.S.C. § 103(a) as obvious over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of de la Huerga, U.S. Patent No. 5,903,889 ("Huerga") or, in the alternative, as obvious over Schoenberg, U.S. Patent No. 6,463,417 ("Schoenberg") in view of the Official Notice as applied to parent claim 11, and further in view of de la Huerga, U.S. Patent No. 5,903,889 ("Huerga").

Claims 14-15 depend from claim 11. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 14-15.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: __May 22, 2008__   /Aslam A. Jaffery/ _____
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